Title: **The Taste of Conversation: Stanley V. Anderson with Geoffrey Wallace, Michael Chennault, and Misa Kelly**

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Introduction: Misa Kelly

The University of California at Santa Barbara is unique in that several pioneering ombuds scholars as well as a pioneering ombuds practitioner have been affiliated with this institution. While working as Assistant ombuds at UCSB I was struck by the fact that this precious history was seemingly slipping away unnoticed. Motivated to take the steps to preserve some of our legacy I toyed with the idea of beginning an Ombuds Oral History Project. I approached Geoffrey Wallace, our University Ombuds, about the idea of using video to capture the oral histories of ombuds scholars and ombuds practitioners who have made a significant contribution to the field of ombudsing. Dr. Wallace was quite keen about the idea, and suggested the obvious: "let's do Stan's first".

With the help of community volunteers, professional videographers Sergei Oneshko and Ron Dexter, we scheduled our first project in spring of 2002, taping the oral history of ombuds scholar Stanley V. Anderson. In spring of 2003 our volunteers once again helped us enabling us to obtain the oral history of the first UCLA University Ombuds Don Hartsock. In spring of 2004 Stan suggested approaching renowned ombuds scholar Larry Hill as the focus of the next interview. I am delighted to note that he has agreed to participate in the Ombuds Oral History Project. It is my hope to finish this project by the end of 2004.

In addition to archiving these histories in a videographic format, transcripts will be created and edited for disbursement to the greater ombuds community.

Following is an edited transcript of our first Ombuds Oral History Project: that of Stanley Anderson being interviewed by Geoffrey Wallace.

The Taste of Conversation

Geoffrey Wallace: I'd like to begin this session by introducing Stanley V. Anderson. Stan was educated at Berkeley, earning a law degree and a PhD. He is a student of Scandinavian legal and governmental systems and law. Stan is now a lawyer and Professor Emeritus in the Department of Political Science at the University of California, Santa Barbara. When I was considering entering the ombuds profession I had the good fortune of meeting and learning from him. The relationship continued when I became the University Ombuds at the University of California, Santa Barbara. Stan is here today to illuminate us about the history and evolution of the Ombuds Office.

Stanley Anderson: 'Thank you Geoffrey. You and I have learned from each other. I am going to talk about the early years of the spread of the Ombuds office and the literature that it spawned. My dedication to the Ombuds idea springs from the very fiber of my being. I was brought up in fundamentalist Christian churches and steeped from early childhood in such sweeping concepts as Salvation, Apocalypse, and Eternity. Grappling with ultimate concerns spilled over into my early efforts as secular scholarly research. I began looking for overriding solutions to overwhelming human conundrums, such as war and peace. This took me to the field of international relations and eventually to a dissertation trying to explain how it was that the Scandinavian countries had enjoyed peaceful relations among themselves ever since the end of the Napoleonic Wars. These efforts eventually morphed into a study of the Ombudsman institution, whose down-to-earth methods still reflected my idealism, but refocused on goals such as equality, fairness, and openness in government. The transition was triggered by several fortuitous occurrences.

One of these was my decision to take off a year between the first and second years of Law School. Having the luxury of the G.I. Bill, I went to Denmark, the land of my forebears, to study at the University of Copenhagen. That visit changed my life. After practicing law for two years, I decided that I preferred an academic career and went back to Berkeley for a Ph.D. in Political Science. My mentor was Eric Bellquist, a Scandinavianist whose name reveals his Swedish ancestry. In 1959, just as I was heading for Scandinavia to do thesis research, Bellquist advised me to take a look at the Ombudsman institution while I was there. The Danes had radically revised their Constitution in 1953. One innovation mandated an Ombudsman office. In 1955, the Danish Legislature enacted enabling legislation adapted from the venerable Swedish Office. The new office attracted widespread international attention and triggered a global expansion which still continues. It has since been the dominant focus of my research.

As a Congressional Fellow of the American Political Science Association, I spent the 1963-64 academic year in the United States Congress, choosing in part to work in the Office of Congressman Henry Ruess. "My Choice is Reuss" was his campaign slogan in Wisconsin. He had introduced an Ombudsman Bill and encouraged me to continue building an exhaustive bibliography of Ombuds literature up to that time. While in the Congressman's Office I met two people who were Ombuds Proponents. One was Ralph Nader, then a little known advocate of automobile safety. He was a mysterious figure. You would never know how to reach him. He would just pop in from time to time. Ralph had stimulated the introduction of an Ombudsman Bill in the Connecticut Legislature. After General Motors put a tail on him and catapulted him into national prominence, he dropped the Ombuds idea.

My other contact was with Walter Gellhorn, clearly the key person most responsible for legitimizing the Ombudsman concept. Gellhorn's tenure as a faculty member in the School of

Law at Columbia culminated with his appointment as "University Professor," a lifelong position rarely awarded which gives the holder staff support and complete freedom to choose research projects or teaching assignments. When I learned that he was working on the Ombudsman institution, I got in touch and spontaneously sent him copies of everything I had gathered. Gellhorn published two books in 1955, "When Americans Complain: Governmental Grievance Procedures" and "Ombudsmen and Others: Citizens' Protectors in Nine Countries: - Denmark, Finland, Norway, Sweden, New Zealand, Yugoslavia, the Soviet Union, and Japan. The corresponding Chapters had appeared serially in leading American law journals such as Stanford and Yale, further expanding academic awareness.

In 1968, the American Assembly-founded by Dwight Eisenhower when he served as President of Columbia University-took up the topic as one of the many conferences that it has sponsored. Background papers are solicited and distributed beforehand to participants, who are prominent. Gellhorn asked me to organize the Ombudsman papers and to recruit other authors. As Chapters, the papers were later published under the title "Ombudsmen for American Government?" After several days of committee and plenary discussion, the Assembly on Ombudsman came up with a ringing endorsement for widespread implementation of the Office, which was reported by the New York Times. The Assembly thereafter sponsored a series of regional meetings in different parts of the country to take up the same topic and to make further recommendations.

Meanwhile, the Institute of Government Studies on the Berkeley campus had set up an Ombudsman Activities Project in 1964 to publish the results of Ombuds research, naming me as Principal Investigator. Initially, much of my work was talking to legislators. Whenever I would learn that a State or Canadian Province was considering the creation of an Ombuds office, I would get in touch with the authors, visit, and sometimes testify at their legislative hearings. Later, from 1970 to 1973, OAP research was funded by a grant from the U.S. Office of Economic

Opportunity, primarily to monitor three new Ombudsman offices supported by the OEO in Iowa, Nebraska, and Seattle/King County. We helped to get these offices off the ground and then studied their performance. Two of my UCSB colleagues joined me, Alan Wyner being responsible for Nebraska and John Moore for Seattle. Moore also undertook a study of the first American State Ombudsman office in Hawaii, culminating in a lengthy transcript of a three-day Ombudsman Workshop held there in May, 1971, which he and I edited, entitled "Establishing Ombudsmen Offices: Recent Experience in the United States."

Another organization which gave early national exposure to the emerging Ombuds concept was the Center for the Study of Democratic Institutions in Santa Barbara. The Center sponsored several dialogues, published in the Center Diary, the earliest of which was in 1966, "An Ombudsman for the U.S.?" featuring Robert Hutchins, Hallock Hoffman, Scott Buchanan, and yours truly. I reread the piece this morning and thought it was rather good and easy to read. Misa, you might want to include it on your Website.

At this point, I was swept into the maelstrom of burgeoning Ombuds offices, with an ever increasing stream of annual reports pouring into my mailbox. Further studies carried me around the globe.

The maturation of the institution nationally and globally can be seen in the creation of the United States Association of Ombudsmen in 1977, followed shortly by the International Ombudsman Institute, founded in 1978 in Edmonton by the first Alberta Ombudsman, Randall Ivany, an Anglican Minister.

So that's my introduction, and thank you for your patient attention.

Misa Kelly: Geoffrey, could you please talk a little bit about the mentoring you received from Stan? I am curious with regard to how you came to know Stanley Anderson, how he has been of support to you, and what role he played in the process of you being appointed UCSB's ombudsman.

Geoffrey Wallace: What a delightful question and I'd be delighted to talk about it. When I was thinking about what direction to take in life I had observed people who seemed to be advocates for the good and the just. Stan was one of these individuals. Interestingly, I liked Alec Hoffman and Scott Buchanan.

But I was drawn to the seekers of justice. I thought this was an important social value and I liked those who had respect for the mind. I possessed two really strong emerging personal values. I wanted to find a legitimate way to live my life. At the same time some very thoughtful people were working to try to build an ombuds institution correctly.

John Moore was active with the UCSB Senate Committee that worked on a sense motion of the Senate. The work was predicated on a model of procedure as defined by ombuds scholars Walter Gellhorn and Stanley Anderson. At this time I was contemplating about going into coercive forms of justice and law. I saw that there was a type of institution (ombuds) that worked with reason, persuasion, and soft justice. This was very early in the soft justice movement. None of the mass movement of mediation really had the kind of breath that it currently has. Since then there has been a brushfire of development of other forms of alternative dispute resolution. They are not alternatives now, they are mainstream, and a part of the system.

At that time I looked into the horizon. When the Senate conversation was made accessible I decided I would look into everything that existed about the ombuds institution. This was made

possible because Stan had assembled a lot of information that I was able to get my hands on. It (ombudsing) stopped being a weird Swedish word and it started being something that had shape. The shape was very important. But also, the point that Stan brought up, that there is kind of a worldview thought here: by reasoning with people you could help them understand fuller ways of viewing institutional acts. In other words, if a person is an institutional actor, without going to them and entering into an adversary relationship, you can try to find a way to sit on the same side of the table and point to investigative realities, to facts. It was a way to take in someone's "push away" issue, to simply ease up on the push for a moment. To sit at the table together and really assess what the issues are and what they look like. I learned this from people who had knowledge of legal reasoning and a strong foundation of philosophical thought. There was a convergence of using reason persuasion for institutional and incremental institutional change. What we managed to do was discover that there are a lot of things we should not do. For instance, we don't do "windows" (wash windows), advocacy, and a long list of other things. This was as important as the fact that there were certain things we **should** try to do faithfully. What was important was the acquisition of a foundation of understanding about what we should be doing. When you're trying to grab the imponderable you can just grab fingers one at a time and say, "independence, impartiality, fixed term, removal for cause, accessible." When you start to conceive such a shape then you are able to understand that there is something you can learn about and attempt to do well.

I was willing to commit to the ombuds institution. Over time what has happened is that I have consistently looked to Stan Anderson and to a lesser extent to John Moore and to Alan Wyner. To try to keep thinking about the fact that it isn't anything to anybody on any day. In other words, it can't just be a made up "would you fix this, would you do a window?" It has been a very important repair to the Stanley V. Anderson collection that the UCSB Ombuds Office now

has up online. Anyone can access this resource and discover the breadth of this literature and the precision of this analysis.

The collection goes all the way back to the narrative that Stan gave about the role of Walter Gellhorn. My first conversation with a real ombuds was Randall Ivany. It was fascinating to encounter another office with 137 staff, 32 language experts, and a huge case load. They really accomplished a lot based on a predicated movement that suggested that you can improve social institutions, and you can improve them toward citizen justice. This seemed very important to me because I had come from a time that is chronicled in some of the works that Stan has done. There were very hard times and an incremental change agent was a difficult issue because there was a need for major change.

There were revolts in American universities. But wise people reasoned that in the long haul, you still have to resolve complaints one at a time and in groups. You have to think in terms of getting beyond the revolution towards institutions that make a better system, and keep making the system better in terms of suggestions for institutional change. In my experience, understanding this has enabled us to make suggestions about certain policy changes. Just one of these institutional changes in the last thirty two years has saved more than the budget cost of the office over that time. That is to say, one institutional change, a seven figure institutional change in terms of annual savings, paid for more than the last three decades of operating an ombuds office. So it was the road map established by scholars such as Stan that allowed this to be a structured thoughtful pursuit. Without the road map it would have been a group of people saying, "What is it a beer, or is it meditation, is it a bud or an armoire." I think that confusion would have been terrible.

Currently, there is an issue as to whether in fact ombudsing does more than cool out upset people in business. The answer is if one repairs to the depth of the literature there is an understanding that has integrity, independence, and confidentiality. I think that continuing to do this is going to take a resource that exists and put it together with people that have a desperate need. In the case of Michael Chennault in the three years of University of California at Irvine, there has been an opportunity to understand that as you go places you don't have to invent your chart as you walk along.

Stanley Anderson:

As I mentioned, Geoffrey, my initial interests were in Foreign Affairs. I went to Scandinavia to try to find out how they had managed to enjoy 150 years of peaceful relations among themselves. The explanations, I'm afraid, were somewhat mundane, growing out of their interwoven histories and cultures, and favored by historical anomalies. Apart from war and peace issues, Professor Bellquist told me (somewhat tongue in cheek) that the underlying formula for Nordic intergovernmental collaborations was BOGGSAT-a Bunch of Gals and Guys Sitting Around a Table. Cabinet Members in the fields pertinent to any current problem would meet together and hash it out among themselves, rather than negotiating through their Foreign Offices. They simply talked things through.

Sobered by the Cold War, I realized that I could not derive a universal solution from the Nordic experience. Wouldn't it be nice if we could roll all of our problems into one big problem, and then solve the big problem? Such a Top Down approach reflected my early theological background: "Find the formula to salvation and impose it!" The Ombudsman Institution taught me to work from the Bottom Up, to start with discrete problems, and hopefully, gradually work up to solutions of broader scope.

I remember, Geoffrey, that when you were appointed campus Ombudsman, I felt that it was based upon your experience as a private Ombuds. Anytime you look for someone who is impartial to help resolve a dispute, you are asking that person to serve as an informal Ombuds. Whether it is a family member, a friend, a parson, or a colleague, you are trying to get BOGGSAT going. So, I felt that it was Geoff's mediation of campus conflict during the Vietnam unrest that provided him with informal Ombudsing experience, and reflected his character, intelligence, and diplomatic skills.

Geoffrey Wallace: I think it was important to see the value. Stan gives certain potency to the idea of talking through problems. It is as if there is a method and the method has gone into disuse. It has to do with certain kinds of things that I learned from watching Stan's course. I met Stan as I was in the application process. He saw me as an advocate for justice. When I met him he seemed open to the fact that I could manage this role. When Vernon Cheadle offered me the job he said, "I've seen you play a different role as an advocate for justice. Can you take on this explicitly defined role?" Stan had encouraged me that it seemed like I could. I felt that I could. I didn't want to let go of the notion that ground-up appeals for justice could be achieved through reason, persuasion, and conversation. But what I think we learned from Stan in the long term is that people don't understand the potency of the phrase, "lets talk."

Actually sitting down together and respectfully exchanging differences is a very potent tool that got dusted off and institutionalized. People who become so angry that they are compelled to demonstrate what they are thinking even if it might confuse everybody. Social acting out can be very confusing. "What did you mean when you threw them a Molotov c Cocktail at ROTC? Well, I'm not sure. I'll have to get back to you on that." But in this case what it did was offer in the toughest of times the opportunity to say "the only way we are going to get through this is to talk". Defining a safe place to go to talk and defining a person (function and

role) who will treat you respectfully when you arrive. Another important thing I discovered about Stan in his seminars was that in the seminars I attended Stan titled people with respect: the Mr. and Mrs. Thing going on. This allowed me to see what it did for people, and why we have tea and snacks, and why we invite people to stay too long, why we've taken a qualitative jump toward trying to ensure that if the world seems as if there is no place to cry out, there is a place you can go and you can do that. I saw some of that through looking at structures but also through modeling. The people that I was talking with when they wanted to express something that they thought was important, they made sure to do it very thoughtfully. This was a time when screaming was a common medium. For good reasons people identified with a problematic incursion into Cambodia and the Vietnam War and other things and as such the ombuds worked well during that time. The ombuds incrementally served justice consistently. It came out of a process, which was very important, because the Academic Senate (UCSB's) had defined what the job would look like.

Stanley Anderson: In part, higher education has of necessity to be vertical, passing down knowledge from elders who have mastered specialized fields. Helping students to think for themselves, however, should be horizontal. We learn from one another. That was the formula I used in seminars, and I shared in learning from the dialogue.

I was gone the year that the Academic Senate adopted an Ombuds statute, but the first version was not the one that was finally put into effect. Here are the Minutes of the February 12, 1970, meeting of the Santa Barbara Division Academic Senate. They voted to repeal the legislation establishing the Ombudsman as an officer of the Division because of student dissatisfaction with the method of selection, which restricted the office to someone who is a Senate Member. Then the Senate approved as a sense motion a Petition from students asking for an Ombuds who would not be an officer of Division and not necessarily a Senate Member. The Petition provided a two-

page constitution for the Office, which has so far had only one incumbent, Geoffrey Wallace. I think John Moore must have come back to help the students draft the document, as it reflects his style-precise and right to the point. It's a gem!

Geoffrey Wallace: I was going to just characterize very simply that John Moore worked with the students. Stan once complained that sometimes it's sad because I remember a lot of this stuff. Armando Nieto (who is currently still in Santa Barbara) and Barbara (who lives in San Diego with the late Stanley Krebs) and John Moore were part of that committee in 1969-70. What they established is a situation which there is an office to hear complaints, to mediate such complaints, or refer them to the appropriate office, may question officers of instruction and members of the division, as well as the committees, and to have access to relevant files. The ombuds may make recommendations public at their discretion; they may investigate complaints, and have some provisions for an advisory committee which still exists. The advisory committee is a strengthened mechanism because of the culture in which an ombuds works. I very quickly learned that one had to understand the culture in which they function to make an international institution work in situations that you apply it.

The first thing that I did was I memorized the names of 700 faculty and where they went to school. It seemed like a good way to start out because it meant that if a person had invested their life initially you would know, if you live in a committee and somebody made shoes, houses, art, or something, you would know them partly for what they love to do and who they are. So in my case what happened was that I felt that I should know roughly who does what. It was a good way to begin. Having the blessing of the Senate to do it was a very important point because Stan had been there and to some extent rendered that this was a legitimate issue, not just a weird term with a person who seemed to be on the other side of it. So it was very helpful.

Stanley Anderson: Well I'm struck with the fact that this was vox papuli. The version that came out was from the ranks, from the students, and I think this gave it a tremendous impetus. I think that reveals the implicit support that you have from this group. I know that you deal also with staff and with faculty, whose needs might be comparable. I chaired the Ombuds Advisory Committee for a number of years. It was a good way to keep both up with and tabs on Geoffrey Wallace.

Geoffrey Wallace: That's right and that was very important because this was a seminar that lasted for thirty years and it had these continuous meetings. Some of the members of the ombuds committee during Stan's chairmanship are still about. One of the members went on to Harvard and works in education. A couple of members have gone on and done great things. We still have regular meetings of that entity. The current chair is Brian Fagan.

Stanley Anderson: Your are very fortunate. A very remarkable man.

Geoffrey Wallace: Yes, with fifty-four volumes of work on American Archeology, World Archeology. Did you have any thoughts after your three years of practice Michael?

Michael Chennault: I think to just echo with Stan and Geoffrey, what you said, I was attracted to this profession because of the principals of justice, fairness, and equity. That's what holds things together. For me that's very important. I think those are things that we can't lose sight of. I think that's how we are going to keep society human. It is easy to forget those basic principles. So as an ombudsman at UC Irvine I have also had a very good mentor, Ron Wilson. Geoffrey and Ron, they go way back. I was very fortunate to have the mentorship of both Ron and Geoffrey.

What I've learned in my last three years as an Ombudsman at the University of California, Irvine, is that relationship is critical. I spend about 80 percent of my time in the field, because once people get comfortable with you, I think when there is conflict, you are half-way home because they have a feel for you, and they know that you are there to help them. They may have very sensitive issues and you are not there to judge. You are saying "hey we have a problem, how can we fix it?" So I find that it's important to really get out there in the field, to get to know the committee. In our office I spoke to Ron about how the office started. The office has been in existence since 1977. When Ron first started the office he had a small room, one desk, a telephone book, and a directory. From that point it has grown to an office of four ombuds. We have one that works out at the medical center. We also manage the Asian program out of our office because we are an informal side of the house. It made sense to have the Asian program managed by the office of the ombudsman and the campus committee seems to be okay with that because they see us as being neutral and impartial. I have to credit Ron to that because he built a very strong structure on the basic fundamentals of independence, impartiality, and confidentiality. The office is very accessible because we do it with faculty, staff, students, and administrators.

Stanley Anderson: A university campus is an ideal place for an Ombuds to function. It has a stable well-staffed bureaucracy with an educated and intelligent clientele. I thought to test the premise of an Ombuds office might work best where least needed and worst where most needed. So I looked into the workings of the office in emerging nations and in prisons.

My observations in Africa and elsewhere led me to the conclusion that impoverished countries did not have the infrastructure which would permit the office to thrive. An Ombuds cannot pull up the rule of law by the bootstraps. The role of an Ombuds is to root out marginal error.

Prisons were in a different story. Because they are confined under minute surveillance around the clock, convicts have a greater nee for intermediation. Otherwise, penitentiaries have remarkable structural similarities to institutions of higher learning. Both have consumers-inmates and students with substantial time to serve and a slowly revolving turnover-directly interfacing a corps of instructors and bureaucrats all subsumed under dense rule structures whose applications entail serious consequences. The Ombudsman institution has worked very well in prisons.

I was struck, Michael, by your mention of the fact that one of the Ombuds at Irvine works at the Medical Center. This is an area which has some of the qualities of a prison or a school, but is challenged by the rapid turnover of patients and by the resistance of the medical profession to lay scrutiny. I have argued that there is a need for an Ombuds for Patients, but suggested the officeholder might have to be a Medical Doctor. How is it working out at the Irvine Hospital?

Michael Chennault: Well actually, last year was the first year that we put an ombuds out there at the medical center. There has been some resistance because one of the problems is that it is under the umbrella of Human Resources. Sometimes Ombuds and Human Resources is not a good mix. But in spite of that, the person that is out there is very good at what she does. So she is not able to maneuver around some of the internal politics that are inherent to the hospital's structure. We are like a newcomer, "who are you?" Because we have this cloak of independence that definitely scares people. Especially if the user belongs to human resources and goes straight to the ombuds. It has been a very tricky dynamic.

Stanley Anderson: Well, this makes it even more interesting to me as a topic for research. Initially the New Zealand Ombudsman, Sir Guy Powles, discouraged complaints from prison inmates. Though the number of complaints grew slowly at first, they actually took off and became a major aspect of the office's workload. It was like a machine whose energy fed on its

own success in righting wrong and improving administration. This innovation in the medical sphere presents a challenge for the Irvine Ombuds Office. I would like to see how it plays out.

Geoffrey Wallace: I also think that it is a challenge with regard to the nature of the cultural population. If you are not on your knees to the deity you have to figure out how you are going to show respect because a PH deity (PhD) is a more mortal being in some respect, than an M deity (M.A.). They are more approachable, even less so then normal people.

Stanley Anderson: Doctors are people for whom you wait who don't wait for people.

Geoffrey Wallace: That's right (chuckles). Is Donna happy with it, does she like doing it?

Michael Chennault: I think for the most part. I think the first year was an initial shock with all the dynamics and the politics. But again we have one of the best ombuds in the business. Ron is a great mentor.

Stanley Anderson: Does Donna have medical expertise?

Michael Chennault: She initially worked at the medical center. I think in medical records so she was already quite familiar with the culture.

Stanley Anderson: Records are a tremendously important avenue of access to information. Even if you can't talk to the doctor, you can read the charts. For example, if a prison inmate complains that he was not given enough good-time credit towards an early parole, the Ombuds can just walk over and pull the file. If he saw a mistake had been made, he would call it to their attention and it would be corrected. If there was no error, he would explain it to the complainant. Otherwise the

inmate, left alone and with no clout (sometimes also the predicament of hospital patients), may suffer in silence or express frustration in destructive ways.

Have you considered working for a few days with Donna at the medical Center? Does your office ever rotate assignments so that you get to know what the others are doing?

Michael Chennault: It is funny that you mentioned that Stan. I know there has been some discussion about that. I think that would give us all an appreciation for the different cultures.

Stanley Anderson: And Donna would get the benefit of your reactions to what she's doing.

Michael: That is true. I think what you're suggesting is already starting to come into formation here.

Stanley Anderson: All Right!

Misa Kelly: I have a question for both Stan and Geoffrey. You have both have contributed greatly to the field of the ombudsing. Stan, when you began your studies-ombudsing was a relatively nascent industry, as it was for you Geoffrey. It was a time when the first campus ombuds offices were coming into existence. You've played a role in the creation of this part of history. I was wondering if the two of you had a vision for the future of ombudsing, or any comments on what you see happening within the industry right now.

Stanley Anderson: Geoff. always has better visions than I do. My vision is simply one of gradual continuous expansion. My disappointment is that it hasn't spread more here in the United States in comparison to Canada, Australia, and Western Europe and so on. So you ask, how did it

get started and how did it spread? It is sort of like a mold I guess. But then you ask why didn't it happen? That is more difficult to respond to. My vision would be is it will catch on somehow and become more widespread here in America.

Misa Kelly: Do you have a sense of why it didn't spread in America within the States?

Stanley Anderson: It is awfully hard to explain inaction unless there is some obvious cause. But when something doesn't happen, it is a "what if"? You ask would this have made a difference, or would that have made a difference. I think you have too many independent variables floating around. It is much easier when it happens. Then you can say this was a part of it and that was a part of it, and so on. Other than that I have no answer.

Geoffrey Wallace: I think it's a difficulty because I think that a lot of the places to where it would evolve were hard targets. In other words I think with governments there was a legislative function which was similar and I think some of the legislatures were jealous. I think that it goes easier in places that think that going slow in thinking and talking is fast enough. I think that the industry would take it on and continue at about a two-month increase rapidly. I mean even in corporations that aren't known as being progressive have ombuds. I mean all of these institutional expansions. The corporate ombuds are so grand now that they call themselves "The Ombuds." They've accomplished being all that one can be. I think what we will see is that there will be two types of developments. Offices that state clear about where they came from and what they do and what they don't do and offices that find that if you talk to people who are upset fewer of them will sue you. It could be between Laura Nader's less charitable interpretation that some can merely cool out potential litigants, or some can actually get as much justice as you can get through reasonable means. So I think you'll see both types developed because there is an interest. There is an economical interest in lessening litigation and loss. University of California loses a

hundred and three to a hundred and six million a year in payoffs. Paying people for plausible errors. That's a big reason to mitigate maybe another fifty million in people that got happy and didn't sue you. When I talk about an office just at one campus saving millions in one change, imagine what ten campuses do working indefinitely; the answer is tens of millions and ultimately hundreds of millions of dollars.

Stanley Anderson: The office does pay for itself.

In Canada, to pick up on a point you mentioned, the early proposals came from political parties who were out of power in their multi-party system. They lacked the clout to help constituents who complained about the bureaucracy and wanted an outside office to be empowered to look into complaints. With shifting majorities, the Ombuds institution broke through and then gathered momentum and swept across the country.

Geoffrey Wallace: It is an interesting point that one of the funny splinter movements for ombuds was in 1985. I noticed that the people that exposed the Iran Contra scandal, a group called the Christic Institute, had a proposal for an American Ombuds. They suggested that every developed democratic entity ought to have an independent complaint agency called an Ombuds that would do certain things. I thought it was very fascinating that someone who had hit a brick wall exposing secret governments and things like that would actually propose and have a way to make government more open.

Stanley Anderson: About open government, let me mention here another Swedish Institution, one which rivals the Ombudsman in importance. For centuries the Swedish Constitution has provided for virtually unlimited public access to government records. For example, when a letter comes into a government office, it is opened and registered and then placed on a table in the foyer where anyone can look at it.

President Lyndon B. Johnson picked up on the idea and secured passage of the Freedom of Information Act. Many States have since followed suit, and have also enacted Open Meeting Laws. I view Open Record laws; much used by the media, as the telescopes of governmental transparency, and Ombuds offices as the microscope. The former provides a sound factual basis for policy-making and the latter a sound factual basis for revision.

Geoffrey Wallace: It is interesting because part of transparency is being able to know what is out there and then being able to talk about it. It is almost like there are two important qualities. One is knowing what ought to be on the table and the ability to read it when you get there.

Stanley Anderson: I think politicians more often know what not to talk about than what they ought to talk about.

Geoffrey Wallace: There was a movement about ten years ago when postmen were killing their employers or there colleagues. They asked questions about what goes on in these circumstances. One of the things is an unsharable crisis. What that speaks to is very simple. It is funny to think of Stan's injunction "Let's talk" and suggest that that could go so far as to helping problems like people who are so upset that they can go to work and shoot up the place. One of the proposals of the University's ten campus meeting which was four years ago, October 21st through the 23rd of 1998 at Irvine, was that there should be an understanding of what the ombuds does and an understanding of what civility does in campus environments. Those were two of the major thrusts of the proposals.

You know the transparency has ombuds ahead of the curve in terms of suggesting that people should be open to talking about what goes on because everyone in ombudsing focuses on the role

of confidentiality without the role of open conversation. One of the things peculiar to the University is how much potential claritive exchange one can have given that faculties are supposed to be collaboratively run entities. So we should be very collaboratively intelligent.

Stanley Anderson: I found that if you try to open up that kind of an approach to someone you should just say "Can we talk?" It is funny what that does to people, because they don't want to just say no.

Geoffrey Wallace: Well, our time is up here today. I'd like to close by articulating that it has been delightful to have Misa Kelly and Michael Chennault here to discuss with Stanley Anderson the last forty years of ombudsing and ombudsrey. One of the things that Stanley Anderson has done that is so remarkable is to see the way in which the text impacts the structure which impacts the practice. He's watched how ombudsing has developed and prospered. He's watched the perils and the promise of the ombuds profession. Misa Kelly will be talking with other ombuds and ombuds scholars in the same vein as this discussion with Stanley Anderson in order to try to penetrate some of the connections between how ombuds are informed by the text of their profession, their enabling legislation, and how they construct offices and practices. How they end up doing the job of helping persons who have conflicts and disputes and complaints.

This conversation with Stanley Anderson is rare and marvelous because of the long duration and the great depth that he brings to bear. The University of California at Santa Barbara is particularly grateful that he worked to build an institution around the text that has informed ombuds since its initiation in the first office of the world. And so Stan by speaking Swedish and by having conversations with most of the ombuds in the world through mail or physically talking with them, he brings us a great wealth of information about the business of ombudsing and about

its wonderful past and future. We look forwards to having other guests like Stan talking about this very important issue in the future.